

Apr. 23, 2010 5:52PM Kubovcik and Kubovcik

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APR 23 2010

PATENT APPLN. NO. 10/566,655  
RESPONSE UNDER 37 C.F.R. § 1.116

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REMARKS

Claims 1-3, 7 and 11 of the subject application are rejected in the Final Office Action under 35 U.S.C. § 102(b) as being anticipated by Ohzuku et al., US 2004/0126660 A1 ("Ohzuku").

Claims 5 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohzuku, as applied to claims 1-3, 7 and 11, in view of Uemura et al., US 2002/0012830 A1. Claims 8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohzuku, as applied to claims 1-3, 7 and 11, in view of Okabe et al., JP 2003-031219.

The rejections are not proper. The publication date of Ohzuka is July 1, 2004. This date is less than one year prior to the international filing date, August 5, 2004, of the present application. The international filing date is the effective filing date of the present application. (See MPEP § 1893.03(b)). Therefore, Ohzuku is not a proper reference against the claims of the present application under 35 U.S.C. § 102(b).

Withdrawal of the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections is in order.

The foregoing is believed to be a complete and proper response to the Office Action dated January 25, 2010.

In the event that this paper is not considered to be timely

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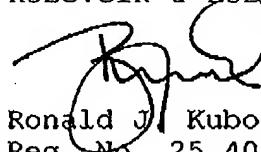
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filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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